

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2989
)	
BRIAN FINKEL, D.O.)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. 1830 for the)	OF LAW AND SUMMARY SUSPENSION
practice of osteopathic medicine in the)	OF LICENSE
State of Arizona.)	
_____)	

The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") held a public meeting on October 13, 2001, regarding Brian Finkel, D.O. (hereinafter "Respondent"). During the Board's review of information and evidence obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, in Case No. 2989, the Board determined and entered the following Findings of Fact, Conclusions of Law and Order of Summary Suspension, pending formal administrative proceedings for revocation or other action.

PRELIMINARY FINDINGS OF FACT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. To regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 1830 for the practice of osteopathic medicine in the State of Arizona.
3. Due to the seriousness of the information received from the Phoenix Police Department and an independent complainant alleging sexual assault the Board reviewed the matter at its October 13, 2001 Meeting.
4. The Board determined that the pattern of behavior, alleged sexual assault, by Respondent, as reported by several woman who had no prior relationship, all saying the same things,

with the most recent alleged assault occurring on or about August 7, 2001 created an immediate need to protect the public pending a formal hearing on the alleged unprofessional conduct.

5. The Board also determined that Respondent's denial in the police departmental reports was based in part on the fact that clitoral manipulation and breast manipulation were appropriate for what he did, with which the Board disagreed.

6. The Board voted on October 13, 2001 that the public health, safety and welfare imperatively required emergency action and voted to summarily suspend Respondent's to practice osteopathic medicine in the State of Arizona pending an administrative formal hearing.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 3-5 above constitute unprofessional conduct pursuant to A.R.S. § 32-1854(6)(19)(40(44)(47)(48).

3. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1092.11(B) when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, safety and welfare.

ORDER

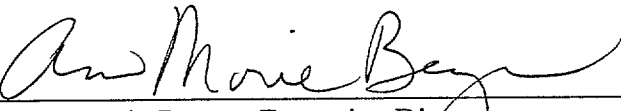
NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. Pursuant to A.R.S. § 32-1855(C) and § 41-1092.11(B), **SUMMARILY SUSPENDING LICENSE NO. 1830 HELD BY BRIAN FINKEL, D.O.** for the practice of osteopathic medicine in this State of Arizona effective October 15, 2001 pending further disciplinary proceedings or until further order of the Board.

2. Pursuant to A.R.S. §32-1855(C) and § 41-1092.11(B), a formal administrative hearing shall be promptly instituted and determined by the Board.

EFFECTIVE the 15th day of October, 2001.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Ann Marie Berger, Executive Director

Served by personal service or
Certified Mail this 16th day
of October, 2001 to:

Brian Finkel, D.O.
4417 N. 7th Ave.
Phoenix AZ 85013

A copy of the Summary Suspension
Order was mailed this 16th day of
October, 2001 to:

Richard Gierloff, Esq.
Luhrs Tower, Suite 412
45 W. Jefferson
Phoenix AZ 85003

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007

Christine Cassetta
Assistant Attorney General
Solicitor General's Office
1275 W. Washington
Phoenix AZ 85007

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015

Drug Enforcement Administration
Attention: Diversion Section
3010 N. 2nd St
Phoenix AZ 85012

Barbara Meyers